

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7373

Joint Petition of Vermont Electric Power Company, Inc.,)
Vermont Transco, LLC, and Central Vermont Public)
Service Corporation for a certificate of public good,)
pursuant to 30 V.S.A. Section 248, authorizing the)
construction of the Southern Loop Transmission)
Upgrade Project)

Order entered: 8/17/2011

ORDER RE REVISIONS TO AESTHETIC MITIGATION PLAN FOR VERNON SUBSTATION

On February 11, 2009, the Public Service Board ("Board") issued an Order and a Certificate of Public Good authorizing the construction of the Southern Loop Transmission Upgrade Project (the "Project"). The Project, as approved by the Board, included plans to mitigate the aesthetic impact of the Project, including views of a new Vernon Substation located near the existing transmission infrastructure and within the fence line of the Vermont Yankee power plant.

In a filing on July 8, 2011, VELCO advised the Board of the need to make revisions to the landscape mitigation plan for the Vernon Substation and included a revised mitigation plan with its filing. VELCO seeks Board approval of the revised landscape mitigation plan for the Vernon substation.¹

The revised mitigation plan for the Vernon Substation is a result of changes to U.S. Nuclear Regulatory Commission ("NRC") vegetative clearing requirements related to a nearby meteorological tower. These NRC requirements will require the removal of existing vegetation (including mature trees) that currently help screen the Vernon Substation from public view and

1. In response to the Clerk's memorandum of July 14, 2011, asking if VELCO was seeking any Board action with respect to the July 8 filing, VELCO filed a letter on July 25, 2011, clarifying that VELCO was seeking Board approval of its revised landscape mitigation plan for the Vernon Substation. VELCO indicated that "the plan is materially different than the plan approved in the CPG and Exh. Stipulation-5."

will also restrict the height and type of vegetation that can be installed as part of VELCO's landscape mitigation plan.² These NRC requirements will have a negative effect on the ability to screen the Vernon Substation from public views.³

In response to these NRC clearing requirements, VELCO's aesthetic consultant worked with the Town of Vernon, the Department of Public Service ("Department") and Entergy to devise the revised landscape mitigation plan that was included in VELCO's July 8 filing with the Board. VELCO agreed to meet with the Vernon Select Board and property abutters approximately one year after the clearing of the existing vegetation and the installation of new mitigation plantings to evaluate public views of the substation and assess whether the plantings meet the town's aesthetic expectations.

VELCO's aesthetic consultant states that over time the revised mitigation plan will restore screening to near existing conditions. The vegetative clearing required for the meteorological tower and the revisions to the mitigation plan do not change the aesthetic consultant's "previous conclusion that impacts as a result of the Southern Loop Project will create adverse impacts to this area of Vernon, but those impacts will not be undue."⁴

In a filing on July 29, 2011, the Department advised the Board that it has no objection to the Board's approval of the revised mitigation plan. While noting that the revisions to the aesthetic mitigation plan "will undoubtedly increase the visual impact" of the Vernon Substation, the Department concluded that "there do not appear to be any available mitigating measures other than those proposed in the Revised Plan." In the Department's view, "VELCO has made a good faith effort to provide mitigation to the extent possible within existing constraints."

2. According to VELCO's aesthetic consultant, "revised NRC regulations require that vegetation can only reach a mature height of 10% of the distance away from the tower. For example, at 300 feet from the tower, a tree can only reach a mature height of 30 feet." Memorandum dated June 16, 2011, from Michael Buscher of T.J. Boyle Associates to John Stamtov ("VELCO's Aesthetic Consultant Memo") included with VELCO's July 8 filing.

3. In addition to affecting public views of the Vernon Substation, these requirements will result in similar increases in the visibility of Vermont Yankee facilities and other transmission infrastructure. VELCO's Aesthetic Consultant Memo at 2.

4. VELCO's Aesthetic Consultant Memo at 2.

Based on the filings of the parties, the Board approves the revised landscape mitigation plan subject to the same conditions related to post-installation review included in its Order of February 11, 2009. Upon completion of the Department's post-construction review of the effectiveness of the landscape planting at the Vernon Substation (which VELCO proposes be conducted in the Spring of 2012),⁵ VELCO shall make a filing with the Board for a determination as to the reasonable availability and relative efficacy of the landscaping measures in mitigating the visual impact of the Vernon Substation. In addition, VELCO shall advise the Board as to any concerns raised by the Town of Vernon or property abutters (and as to any proposed modifications to the revised landscape mitigation plan) following the meeting scheduled for approximately one year after the installation of new plantings.

If, in the future, the NRC vegetative clearing requirements become less severe or the meteorological tower is no longer required at the site, the Board may re-examine the possibilities for additional aesthetic mitigation by VELCO to screen the Vernon Substation. VELCO shall make a filing with the Board informing the Board as to the occurrence of either of these events, which filing shall include VELCO's recommendations as to any additional aesthetic mitigation measures for the Vernon Substation, within 60 days after it becomes aware of the occurrence of either of these events.

SO ORDERED.

5. See letter filed on July 27, 2011, by VELCO.

Dated at Montpelier, Vermont, this 17th day of August, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: August 17, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.